United States Courts
Southern District of
FILED
SEP 05 2001 LF
Michael N. Milby, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

UNITED STATES OF AMERICA	§	
	§	
v.	§	**Criminal No. H-99-455S**
	§	
JORGE LUIS GARZA a.k.a. Guillermo Huertas-Sanchez a.k.a. Mono Renzo	§	
	§	

MOTION TO OBTAIN DEFENDANT'S VOICE EXEMPLAR

COMES NOW the United States of America, by and through Gregory A. Serres, United States Attorney for the Southern District of Texas, and Bertram A. Isaacs, Assistant United States Attorney for the Southern District of Texas, and hereby moves this Honorable Court for a voice exemplar from the Defendants in this case and in support thereof would state as follows:

1. During the course of the investigation that resulted in the charges alleged in this case the government obtained authorization to intercept criminally related conversations of this defendant and others. The government intends to offer tapes of these conversations as evidence in support of its case. As a predicate to the admission of this evidence the government must provide evidence that identifies the parties to the intercepted conversations.

2. It is the desire of the government to compare an exemplar of the defendant's voice to the voice alleged to be that of the defendant captured pursuant to the courts orders authorizing intercepts of wire communications. In order to make a scientific comparison , the government needs an order from the Court requiring the defendant to provide an exemplar of his voice sufficient for scientific comparison.

3. Compelling an individual to submit to a voice sample is not a violation of that individual's Fifth Amendment right against self-incrimination because the act is not testimonial. United States v. Burnett, 982 F.2d 922, 925 (5th Cir. 1993); see also United States v. Wade, 388 U.S. 218, 87 S.Ct. 1926; United States v. Dionisio, 410 U.S. 1, 93 S.Ct. 764 (1973).

220

Therefore, the government respectfully requests the Court to order Defendant Jorge Luis Garza to provide a voice exemplar to federal agents sufficient for use to scientifically compare to a voice, alleged to be his, which was captured as a result of judicially authorized interceptions of communications during the course of the investigation that resulted in the charges alleged in this case.

Respectfully submitted,

GREGORY A. SERRES
United States Attorney

BERTRAM A. ISAACS
Assistant United States Attorney

CERTIFICATE OF SERVICE

I hereby certify that true and correct copies of the above Government's Motion to Obtain the Defendant's Voice Exemplar was mailed, return.receipt requested to counsel for the defendant on this the 5th day of September, 2001.

BERTRAM A. ISAACS
Assistant United States Attorney

Joe Salinas
12 Greenway Plaza, Ste. 1100
Houston, TX 77046

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF TEXAS

HOUSTON DIVISION

UNITED STATES OF AMERICA	§	
	§	
v.	§	Criminal No. H-99-455S
	§	
JORGE LUIS GARZA a.k.a. Guillermo Huertas-Sanchez a.k.a. Mono Renzo	§	
	§	

ORDER

HAVING CONSIDERED the Government's Motion to Obtain Defendant's Voice Exemplar, it is hereby

ORDERED that the Defendant, JOSE LUIS GARZA a.k.a. Guillermo Huertas-Sanchez a.k.a Mono Renzo provide a voice exemplar to federal agents sufficient for scientific comparison on the __ day of __,_2001 at ____ o'clock a.m./p.m..

SIGNED in Houston, Texas on this ___ day of __________, 2001.

UNITED STATES DISTRICT JUDGE